



Inter Department Correspondence Sheet

TO: Members of City Council

FROM: Breck Daughtrey, City Clerk

COPIES TO: \_\_\_\_\_

SUBJECT: Minutes of City Council Meeting

May 30, 2014

Attached are the minutes of the City Council meeting held on Tuesday, May 20, 2014.

Breck

## **NORFOLK, VIRGINIA**

### **REGULAR SESSION OF COUNCIL**

**TUESDAY, MAY 20, 2014**

President Fraim called the meeting to order at 5:45 p.m. with the following members present: Ms. Green, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Ms. Williams and Mr. Winn.

Mayor Fraim briefed council on plans for the groundbreaking of the hotel/conference center scheduled for Thursday, May 22<sup>nd</sup>.

He thereupon called for the first item of business.

#### **A. COUNCIL INTERESTS**

1. Mayor Fraim reported the groundbreaking for the Hotel/Conference Center will take place on May 22<sup>nd</sup> at Nauticus. Council will gather at the Nauticus Theater at 4:00 for a presentation by Bruce Thompson followed by the ceremony at 5 p.m. The tour of the Slover Library has been cancelled.
2. Councilman Protogyrou expressed concern about recent shootings and gang involvement where the kids are getting younger and younger. He stated that they need to let citizens know that the city has been actively working on addressing these concerns. He suggested they talk with Chief Goldsmith and come up with a press release, news conference or something to get the information out about what the city is doing, what they're talking about and what they're implementing.
3. Councilman Riddick a) stated that there was a meeting over at the Early Childhood Center in Campostella on May 19<sup>th</sup> in regards to the new Campostella School. He expressed concern that there was no one there from the administration to answer questions and that Livas architects were not mentioned in the presentation; b) expressed concern that the school is only designed for 1,071 students, noting that that number will not accommodate the students on the southside and they also need to make room for other students that want to come there as a choice. He

suggested they take a look at that to make sure that it can be increased; c) expressed concern with a LEED certifiable school versus a certified school, stating that they need to make sure that the school is LEED certified; d) expressed concern that Lafayette-Winona School will open up with a STEM emphasis, stating that it will dilute the program at Campostella. He also stated that they need to talk to the school district so they will not create STEM at Lafayette-Winona.

Mayor Fraim suggested they sit down with the people at Campostella and talk about the membership and if it needs to get bigger it can get bigger, but the budget for Campostella is \$33 million for K-8 and it is STEM.

Councilman Smigiel stated that Campostella is going to be K-8 and Lafayette-Winona will be a 3<sup>rd</sup> – 8<sup>th</sup> grade choice school and is supposed to start off as a STEM school and then go to a Pre-IB school. He explained that there are different types of STEM, STEM academy and STEM teaching.

4. Councilwoman Whibley asked that they sit down and spend some time on all these new developments we have going on in this city and understanding how they've juxtaposed this money and we need to set guidelines. She noted that there are going to be some new guidelines that are coming down from the Feds and we need to be on top of this and making sure that people understand and are paying attention to this. She also commented on the situation with building permits in Ocean View, stating that she understands that particular situation is going to be settled legally. She asked if there is something that needs to be looked at globally as far as the permitting process.

## **B. BUDGET WORK SESSION**

Mayor Fraim noted the Manager's responses to last week's budget session and asked were there additional matters that need to be addressed.

Mr. Protogyrou noted the need to take care of Circuit Court. The Mayor commented the matter had been resolved.

Mr. Smigiel urged the Manager to involve the council in budget development much earlier than has been done, and that discussions need to be held on neighborhood funding. He expressed interest in beginning the discussion before the retreat. Mayor Fraim responded briefly about how the four neighborhood plans were approved and that perhaps it is time to have this discussion.

### **C. SIGN ORDINANCE PROCESS**

John Keifer, Director of Public Works, reported as follows:

- The City uses national guidelines defined in the Manual on Uniform Traffic Control Devices when examining whether to install a stop sign.
- The process is initiated by a verbal or written request and a field investigation is conducted with the analysis taking into account numerous variables.
- Civic Leagues are consulted as part of the process.
- He then reviewed the Ordinance on tonight's agenda.

### **D. NORFOLK ELECTORAL BOARD PRECINCT RELOCATOIN**

Stephanie Iles, Deputy Registrar, reported as follows:

- The Electoral Board recommends moving the Ballentine School precinct to the Kroc Center and the Hunton Y precinct to Ruffner Academy.

## **NORFOLK, VIRGINIA**

### **ACTION OF THE COUNCIL**

**TUESDAY, MAY 20, 2014 – 7:00 P.M.**

Prayer offered by Councilman Paul Riddick, followed by the Pledge of Allegiance.

The following members were present: Ms. Green, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn, Ms. Williams and Mr. Fraim.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

**Motion adopted.**

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

### **PUBLIC HEARINGS**

PH-1

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the City **Planning Commission**, to amend the City's General Plan, *PlaNorfolk2030*, to establish development criteria to encourage the transition of the Granby/Monticello Corridor from Industrial and Automobile-related uses to a Higher Intensity of Mixed Use Development.

Thereupon, an Ordinance entitled, "An Ordinance to amend the General Plan of Norfolk, *PlaNorfolk2030*, **SO AS TO** promote the transition of the Monticello-Granby Corridor from predominantly industrial and automobile-oriented uses to a higher intensity of Mixed Use Development," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 20, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-2                    **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission**, to amend the City's General Plan, *PlaNorfolk2030*, in order to revise certain metrics and actions and to make typographical corrections.

Thereupon, an Ordinance entitled, "An Ordinance to amend the General Plan of Norfolk, *PlaNorfolk 2030*, **SO AS TO** revise certain metrics and actions and to make typographical corrections," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 20, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-2A                    An Ordinance entitled, "An Ordinance to amend the City's General Plan, *PlaNorfolk2030*, **SO AS TO** change the land use designations on properties located in the Glenrock South Neighborhood from Single Family Suburban to Single Family Traditional," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective April 22, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-3                    **PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission**, for a Zoning Text Amendment to Table 8-A, "Table of Land Uses," of the *Zoning Ordinance of the City of Norfolk, 1992* to add "Therapeutic Massage Facility" as a permitted use within the D-3 (Freemason/Granby Conservation and Mixed Use) and D-4 (Downtown Arts and Design) zoning districts.

Warren Tisdale, 440 Monticello Avenue, attorney for the applicant, was present to answer questions.

Thereupon, an Ordinance entitled, "An Ordinance to amend and reordain Table 8-A of the Zoning Ordinance of the City of Norfolk, 1992, in order to allow "Therapeutic Massage Facility" as a permitted use in the D-3 (Freemason/Granby Conservation and Mixed Use) District and D-4 (Downtown Arts and Design) District," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 20, 2014.

Yes: Green, Protogyrou, Smigiel, Whibley, Williams, Winn, and Fraim.

No: Riddick.

PH-4

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **James Sheppard** to amend the City's General Plan, *PlaNorfolk2030*, from Commercial to Residential Mixed and for a change of zoning from C-2 (Corridor Commercial) to Conditional R-12 (Medium Density Multi-Family) on property located at **3921 E. Ocean View Avenue**.

Thereupon, an Ordinance entitled, "An Ordinance to amend the City's General Plan, *PlaNorfolk2030*, SO AS TO change the land use designation for property located at **3921 East Ocean View Avenue** from Commercial to Residential Mixed," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 20, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-4A

An Ordinance entitled, "An Ordinance to rezone property located at **3921 East Ocean View Avenue** from C-2 (Corridor Commercial) to Conditional R-12 (Multi-Family Residential)" was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 20, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-5

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **DSF Development, LLC**, for a change of zoning from Conditional C-2 (Corridor Commercial) and R-6 (Single-Family) to Conditional R-8 (Single-Family) on properties located at **453-467 Brockwell Avenue** and **446-468 Frizzell Avenue**.

Mayor Fraim moved to continue this matter to June 10, 2014

**ACTION:** The matter was **CONTINUED** to June 10, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-6

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments authorizing the conveyance to **Shiloh Baptist Church** of a certain parcel of property acquired by the City of Norfolk pursuant to Section 58.1-3970.1 of the Code of Virginia, 1950, as amended, and approving the terms and conditions of the Conveyance Agreement.

Thereupon, an Ordinance entitled, "An Ordinance repealing Ordinance #45,122 adopted June 11, 2013, and authorizing the conveyance to **Shiloh Baptist Church** of certain parcel of property, acquired by the City of Norfolk pursuant to Section 58.1-3970.1 of the Code of Virginia, 1950, as amended, and approving the terms and conditions of the Conveyance Agreement," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective June 20, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.



PH-7

**PUBLIC HEARING** scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments to amend and reordain Section 24-212.4 of the **Norfolk City Code, 1979, SO AS TO** impose additional tax for the **Downtown Service District**.

Ray W. King, 999 Waterside Drive, Suite 2100, Downtown Norfolk Council, was present to answer questions.

Thereupon, an Ordinance entitled, "An Ordinance to amend and reordain Section 24-212.4 of the **Norfolk City Code, 1979, SO AS TO** impose the additional tax for the Downtown Service District," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 1, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

### **REGULAR AGENDA**

R-1

Letter from the City Manager and an Ordinance entitled, "An Ordinance to repeal four Subsections of Section 25-653 and one Subsection of Section of 25-654, and to amend and reordain Sections 25-652, 653, 654, 656 and 660 of the **Norfolk City Code, 1979, SO AS TO** add one new one-way street, one new yield intersection, ten new stop intersections, two new vehicles over five tons prohibitions, and three new automated traffic signals," was introduced in writing and read by its title.

**(Passed by at the Meeting of May 13, 2014)**

**ACTION:** The Ordinance as introduced was **adopted**, effective May 20, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, "An Ordinance to adopt the **Tourism Development Plan** developed in conjunction with the Commonwealth of Virginia's Tourism Development Financing Program, to endorse a proposed Tourism Project, and to authorize other actions consistent with State Tourism Gap Financing," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 20, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, "An Ordinance to amend and reordain Chapter 46 of the **Code of the City of Norfolk, Virginia, 1979, SO AS 'TO** provide for the establishment of tourism zones and to establish the 100 Main Tourism Zone pursuant to § 58.1-2851 of the Code of Virginia, 1950, as amended," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 20, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting **Natalie, L.L.C.**, permission to encroach into the rights of way of Colley Avenue and 44<sup>th</sup> Street, at **4314 Colley Avenue**, and approving the terms and conditions of the Encroachment Agreement," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 20, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

R-5 Letter from the City Manager and an Ordinance entitled, "An Ordinance approving and authorizing the execution of an Agreement between the City and **Downtown Norfolk Development Corporation** for the provision of facilities and services in the **Downtown Service District**," was introduced in writing and read by its title.

Jane Bethel, 7936 Merritt Street, spoke in favor of this matter.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 20, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-6 Letter from the City Attorney and an Ordinance entitled, "An Ordinance granting an exemption from real estate taxes for real property of **First Church of Christ Holiness USA** located at **862 East Princess Anne Road** for the period July 1, 2013 – July 1, 2014," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective May 20, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, "An Ordinance appropriating funds for operation of the **City for the Fiscal Year beginning July 1, 2014 and ending June 30, 2015**, appropriating \$300,000.00 from the Land Acquisition/Revolving Fund balance, appropriating U.S. Department of Housing and Urban Development (HUD) Entitlement Grants, authorizing Short-term Equipment Financing, providing a pay supplement for certain eligible retirees, amending the exemption and deferral of real estate taxes for elderly and disabled, increasing the cigarette tax, increasing the local academy court cost, amending members' mandatory retirement contributions, increasing refuse collection and disposal fees, assessing Virginia Stormwater Management Program fees and regulating the payment of money from the City Treasury," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 1, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, "An Ordinance approving the **Capital Improvement Plan Budget** for the fiscal year beginning July 1, 2014 and ending June 30, 2015; appropriating \$104,353,800 for certain projects approved therein; authorizing an issue of bonds in the amount of \$83,328,934, of which \$1,900,453 is the reappropriation of previously authorized, but unissued bonds; and authorizing the expenditure of \$21,024,866 in cash," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 1, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, "An Ordinance appropriating Grant Funds totaling \$51,300,694.00 to the School Board of the City of Norfolk for Title I Programs, other special programs and the School Nutrition Services Program and authorizing the expenditure of the funds in fiscal year 2015 for **Norfolk Public Schools**," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 1, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

R-10

Letter from the City Manager and an Ordinance entitled, "An Ordinance to amend and reordain the *Code of the City of Norfolk, 1979*, by adding a new Section 37-84, **SO AS TO** establish a **Deferred Retirement Option Program ("DROP")** for policemen and firemen," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective January 1, 2015.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

R-11

Letter from the City Manager and an Ordinance entitled, "An Ordinance approving the July 1, 2014 through June 30, 2015 Budget for the **Norfolk Law Library**, authorizing the City Treasurer to make disbursements and appropriating and authorizing the expenditure of up to \$282,000.00 by the Norfolk Law Library from various sources including monies assessed and collected by the City as part of the costs in civil court actions in accordance with the approved budget and the October 1, 1987 Agreement among the City, the Norfolk Law Library and the Norfolk and Portsmouth Bar Association," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 1, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

R-12

A Resolution entitled, "A Resolution appointing 5 persons to the Towing Advisory Board for a certain terms," was introduced in writing and ready by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective May 20, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

### **NEW BUSINESS**

1. Mike McKenna, 3124 Douglas Road, Chesapeake, thanked council for what they did for the retirees this fiscal year.
2. Danny Lee Ginn, 3844 Dare Circle, commented on good government.